

REMARKS

I. Introduction

In response to the Office Action dated June 22, 2009, which was made final, and in conjunction with the Request for Continued Examination (RCE) submitted herewith, claims 2, 15, 18 and 32 have been canceled, and claims 1, 3-6, 9, 16, 17, 19-2, 25, 31, 33-36 and 39 have been amended. Claims 1, 3-14, 16, 17, 19-31 and 33-44 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

III. Specification Objections

In paragraphs (6)-(7) of the Office Action, the specification was objected to because of certain informalities.

Applicants' attorney has amended the specification as indicated above to overcome these objections.

IV. Claim Objections

In paragraph (9) of the Office Action, claims 2, 18 and 32 were objected to under 37 C.F.R. §1.75(c) as being of improper dependent form.

Applicants' attorney traverses this objection for the reasons previously stated, but has canceled the claims in the interest of expediting prosecution, with the understanding that Applicants reserve the right to reintroduce these claims at a later date.

In paragraph (6) of the Office Action, claim 16 was objected to as being a substantial duplicate of claim 15.

Applicants' attorney traverses this objection for the reasons previously stated, but has canceled claim 15 in the interest of expediting prosecution, with the understanding that Applicants reserves the right to reintroduce this claim at a later date.

V. Rejections under 35 U.S.C. §112, First Paragraph

In paragraphs (12)-(14) of the Office Action, claims 1-44 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement, due to use of “actual results.”

Applicants’ attorney respectfully traverses the rejection for the reasons previously stated, but has amended the claims to overcome the rejection, in the interest of expediting prosecution, with the understanding that Applicants reserves the right to reintroduce this phrase at a later date.

Applicants’ attorney respectfully submits that the term “answer” used in place of actual results can be found in the specification at, *inter alia*, page 13, line3, which recites the following:

Applicants’ specification: page 13, line 3:

Therefore, the partitioning and query processing strategy used in this application generalizes the approach proposed in along two important directions. First, Q^s executes over the encrypted representation directly generating a possible super-set of results. Second, the results of Q^s are decrypted and further processed by the client computer 100 using Q^c to generate the answer to Q . We refer to the above partitioning of Q into Q^s and Q^c as operator level partitioning.

Consequently, Applicants’ attorney requests that the objection be withdrawn.

VI. Rejections under 35 U.S.C. §112, Second Paragraph

In paragraphs (15)-(16) of the Office Action, claims 1-44 were rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, on various grounds.

Claims 1, 6, 9, 15, 17, 22, 25, 31, 36 and 38 have been amended, and claims 2, 18 and 32 have been canceled, to overcome these rejections.

VII. Prior Art Rejections

In paragraphs (18)-(19) of the Office Action, claims 1-44 were rejected under 35 U.S.C. §102 as being anticipated by Hacigumus et al., “Executing SQL Over Encrypted Data in the Database-Service-Provider Model” (Hacigumus).

Applicants’ attorney submits herewith Declarations under 37 C.F.R. §1.132 by the Applicants stating that the Hacigumus comprises a description of the Applicants’ invention, and

that the publication was made on behalf of the Applicants. It is noted that the Hacigumus reference was published on June 4-6, 2002, which is less than one year prior to the May 30, 2003 filing date of the parent application.

Applicants' attorney previously established that the parent application provides an enabling written description, under 35 U.S.C. §112, first paragraph, for at least independent claims 1, 15, 16, 17 and 31. Thus, at least these claims are entitled to a priority date at least as early as the filing date of the parent application, namely May 30, 2003.

Consequently, the Hacigumus reference is not a prior art reference under 35 U.S.C. §102(a) against at least independent claims 1, 15, 16, 17 and 31. Thus, Applicants' attorney requests that the rejections of the claims on these grounds be withdrawn.

VIII. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge all fees to Deposit Account No. 09-0460 of IBM Corporation, the assignee of the present application.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Applicants

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

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GHG/

By: /George H. Gates/
Name: George H. Gates
Reg. No.: 33,500